

**ENTERED**

November 04, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

HEATHER NEISEN,

Plaintiff,

V.

KEN PAXTON, *et al.*,

Defendants.

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CIVIL ACTION NO. 2:24-CV-00149

**ORDER ADOPTING MEMORANDUM & RECOMMENDATION**

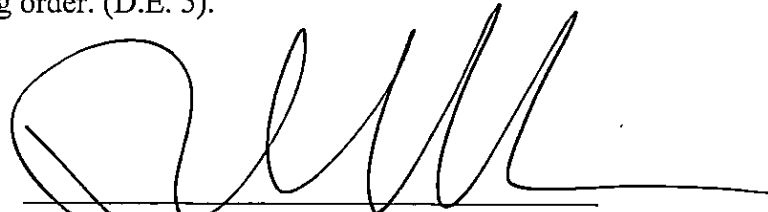
Before the Court are Magistrate Judge Mitchel Neurock's Memoranda and Recommendation ("M&Rs"). (D.E. 10; D.E. 12). The D.E. 10 M&R recommends that the Court dismiss the case without prejudice for lack of subject matter jurisdiction; deny as moot Plaintiff's request for a temporary restraining order, (D.E. 5); and deny leave to amend. (D.E. 10, p. 1). The D.E. 12 M&R recommends that the Court deny Plaintiff's construed motion for leave to amend, (D.E. 11), as it would be futile. (D.E. 12, p. 9).

The parties were provided proper notice of, and the opportunity to object to, the Magistrate Judge's M&R. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b); General Order No. 2002-13. No objection has been filed. When no timely objection has been filed, the district court need only determine whether the Magistrate Judge's M&R is clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (per curiam).

Having reviewed the proposed findings and conclusions of the Magistrate Judge, the filings of the parties, the record, and the applicable law, and finding that the M&Rs are not clearly erroneous or contrary to law, the Court **ADOPTS** the M&Rs in their entirety. (D.E. 10; D.E. 12). Accordingly, the Court **DENIES** leave to amend and **ORDERS** that this case be **DISMISSED**

**without prejudice** for lack of subject matter jurisdiction. (D.E. 1). The Court further **DENIES** as **moot** Plaintiff's request for a temporary restraining order. (D.E. 5).

SO ORDERED.



DAVID S. MORALES  
UNITED STATES DISTRICT JUDGE

Signed: Corpus Christi, Texas  
November 4th, 2024